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19
20 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

21 UNITED STATES OF AMERICA, *ex rel.*,
Joshua Luke,
22 Plaintiff,
v.
24 HEALTHSOUTH CORPORATION,
25 HEALTHSOUTH OF HENDERSON, INC. and
KENNETH BOWMAN,
26 Defendants.
27

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Attorneys for Defendants HealthSouth Corp.
And HealthSouth of Henderson, Inc.

Case No.: 2:13-cv-01319-APG-VCF

**JOINT STIPULATION AND [PROPOSED]
ORDER VACATING HEARING ON
DEFENDANTS' OBJECTIONS TO
SPECIAL MASTER'S ORDER**

Hon. Cam Ferenbach

1 Plaintiff-Relator Joshua Luke (“Plaintiff”), as relator in this action, Defendants HealthSouth
2 Corporation (“HealthSouth”) and HealthSouth of Henderson, Inc. (“HealthSouth Henderson”)
3 (collectively, “HealthSouth Defendants”), and Defendant Kenneth Bowman (“Bowman”) by and
4 through their undersigned counsel, state as follows:

5 1. Whereas, the Court appointed a Special Master to oversee the discovery process on
6 April 17, 2019 (Dkt. # 185);

7 2. Whereas, the Court appointed David M. Tenner as Special Master pursuant to the
8 Parties’ Joint Stipulation Concerning the Appointment of a Special Master (Dkt. #198);

9 3. Whereas, the Special Master’s Order re: Plaintiff’s Motion to Compel and Joint
10 Proposed Revised Scheduling Order (“Special Master’s Order”) (Dkt. #213) was issued in writing on
11 July 19, 2019, and stated that the rulings therein “were made effective as of the date of the hearing,
12 July 10, 2019”;

13 4. Whereas, the Special Master’s Order set forth various deadlines related to discovery,
14 including: (i) all responsive documents shall be produced by August 20, 2019; (ii) Plaintiff shall be
15 entitled to take the Rule 30(b)(6) deposition of Defendant HealthSouth on or before September 10,
16 2019; and (iii) the Parties shall file a Stipulated Revised Scheduling Order or Status Report on or
17 before September 10, 2019;

18 5. Whereas, the HealthSouth Defendants filed their objections to the Special Master’s
19 Order on July 26, 2019 (Dkt. 216);

20 6. Whereas, Plaintiff filed his Opposition to Defendants’ Objections to the
21 Special Master’s Ruling on August 9, 2019 (Dkt. 220);

22 7. Whereas, on August 13, 2019, the Court issued an order setting a hearing on
23 Defendants’ Objections to Special Master’s Order for September 6, 2019 (Dkt. 222);

24 8. Whereas, during the course of a joint meeting that took place on August 13, 2019, the
25 Parties and the United States Department of Justice (“DOJ”) arrived at a tentative settlement to resolve
26 this action which they are currently in the process of finalizing;

27 9. Whereas, in light of the tentative settlement that was reached at the August 13, 2019
28 meeting and the ongoing efforts by the Parties and the DOJ to reach a final settlement that will resolve

1 this action, the Parties wish to take the hearing on Defendants' Objections to Special Master's Order
2 off calendar until further notice.

3 Accordingly, the Parties to this stipulation hereby stipulate and agree to the entry of an order
4 by the Court vacating the hearing on Defendants' Objections to Special Master's Order set for
5 September 6, 2019 until further notice. Within 28 days of the entry of this order, the Parties shall
6 report back to the Court on the status of the settlement discussions and whether it is necessary to
7 reschedule the hearing on Defendants' Objections to Special Master's Order.

8 This stipulation is made in good faith, not interposed for delay, and not filed for an improper
9 purpose.

10
11 DATED this 27th day of August, 2019.

12 **PISANELLI BICE PLLC**

13 /s/ James J. Pisanelli
14 JAMES J. PISANELLI, ESQ.
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DATED this 27th day of August, 2019.

**THORNDAL, ARMSTRONG, DELK,
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16
17 DATED this 27th day of August, 2019.

18 **REED SMITH LLP**

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DATED this 27th day of August, 2019.

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and HealthSouth of Henderson, Inc.*

1 DATED this 27th day of August, 2019.

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19 DATED this 27th day of August, 2019.

20 **MORGAN VERKAMP LLC**

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28 *Attorneys for Relator Joshua Luke*

IT IS HEREBY ORDERED that the parties must
file a status report on or before September 24, 2019.

15 IT IS SO ORDERED:

16 
17 MAGISTRATE JUDGE CAM FERENBACH
18 8-27-2019

19 DATED: _____

20 CASE NO.: 2:13-cv-01319-APG-VCF

1 **CERTIFICATE OF SERVICE**

2 I certify that on August 27, 2019, a copy of this document was filed using the Court's CM/ECF
3 system. Copies of this document have been served by electronic means on all registered users of the
4 Court's CM/ECF system who have appeared in this case.

5 _____
6 */s/ James L. Sanders*
James L. Sanders